

DAVID W. MOCKBEE
DAVID B. ELLIS
LUCIAN D. SEYMOUR*

MOCKBEE ELLIS, P.A.

ATTORNEYS AT LAW
CAPITAL TOWERS, SUITE 1820
125 SOUTH CONGRESS STREET
JACKSON, MISSISSIPPI 39201

TELEPHONE: (601) 353-0035
FACSIMILE: (601) 353-0045
E-MAIL: DELLIS@MHDLLAW.COM

* ALSO ADMITTED IN TENNESSEE

February 28, 2024

22188-1

VIA EMAIL

Kim White
Public Records Officer
Mississippi Department of Information Technology Services
3771 Eastwood Drive
Jackson, Mississippi 39211
Kim.White@its.ms.gov
Open.Records@its.ms.gov

VIA EMAIL

Ana Beatriz Quezada J.
Conduent
12410 Milestone Center, 4th Floor
Germantown, MD 20876
FOIA.Requests@conduent.com

Re: Notice of Intent to Seek Protective Order – ITS Project File No. 48183

Dear All:

Cognosante, LLC (“Cognosante”) received notice from the Mississippi Department of Information Technology Services (“ITS”) that Conduent submitted a request to obtain records maintained by ITS related to RFP No. 4243 (the “RFP”). This firm has been retained by Cognosante to respond to this request. Specifically, Conduent’s request sought “Current contract and amendments”, “Bidders’ technical proposal”, “Evaluation forms for technical proposals”, “Award letter”, “Bidders’ cost proposal (incl. BAFO)”, “Evaluation forms for cost proposals”, and “Awardee contract and amendments”. Copies of Conduent’s request, as well as of ITS’ notice of the request to Cognosante, are attached.

Cognosante submitted a bid in response to the RFP. Therefore, its information is subject to Conduent’s request. Cognosante has reviewed Conduent’s request and determined that the information Conduent seeks includes Cognosante’s trade secret, confidential, and proprietary information, including without limitation sensitive financial information, information regarding legal matters, information regarding its internal policies and procedures, and technical information and personnel (collectively, the “Confidential Information”). The Confidential Information is exempt from the Mississippi Public Records Act of 1983 and should not be disclosed by ITS. *See, Miss. Code Ann. §§ 25-61-9(1) and 79-23-1.*

Given the confidential and proprietary nature of the Confidential Information, Cognosante gives notice to ITS and Conduent that it intends to seek a protective order from the Hinds County Chancery Court preventing the disclosure of its Confidential Information.

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Pursuant to *Miss. Code Ann.* §§ 25-61-9(7), Cognosante respectfully requests that ITS immediately publish this notice on the Mississippi Procurement Portal.

Sincerely,

MOCKBEE ELLIS, P.A.

A handwritten signature in blue ink, appearing to read "D. B. Ellis", is written over the printed name.

David B. Ellis

DBE/kl

Enclosures

Third Party Notification Memorandum

To: Edward J. Russell, Vice President Contracts, Cognosante, LLC
From: David C. Johnson
CC: Ana Quezada, Conduent
ITS Project File Number: 48183
Date: February 23, 2024
Subject: Request for Records Furnished by Third Parties Containing Trade Secrets or Confidential Commercial or Financial Information under the Mississippi Public Records Act

Contact Name: Kim White, ITS Public Records Officer
Contact Phone Number: 601-432-8211
Contact E-Mail Address: Kim.White@its.ms.gov

COPY SENT VIA EMAIL; ORIGINAL SENT VIA UNITED STATES POSTAL SERVICE

ITS has received a request from a third party for copies of information you previously submitted to ITS.

Party requesting your information: Conduent, 12410 Milestone Center 4th Floor,
Germantown, MD 20876

A copy of the request is enclosed for your review.

In accordance with Miss. Code Ann. § 25-61-9(1), "records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to third parties has been given, but the records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure."

Further, Miss. Code Ann. § 25-61-9(7) also requires that "any party seeking a protective order for a procurement contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order **must** be posted on the Mississippi procurement portal for a minimum of seven (7) days **before** filing the petition seeking the protective order in chancery court." (Emphasis added).

In accordance with ITS's Public Records Policy, you must provide ITS with 14 days' notice of the petition for protective order, including the reasons for the petition, prior to filing your petition in

Chancery Court.

Pursuant to Miss. Code Ann. § 25-61-9(1) and the ITS Public Records Policy **you are hereby given notice**, that unless you file a petition seeking a protective order in accordance with Miss. Code Ann. § 25-61-9 and the ITS Public Records Policy, which includes filing the petition for protective order on or before **twenty-one days from the date of delivery of this notice as established by the United States Postal Service's records**; the information specified on the attached request **will be released** to the party requesting the information as required by law. ITS must also receive a copy of your filed petition for a protective order by the 21-day deadline.

You may review the ITS Public Records Policy and associated guidelines adopted in compliance with this act in Section 019-010 of the ITS Procurement Handbook, available at:

<https://www.its.ms.gov/sites/default/files/ProcurementPDFs/ISS%20Procurement%20Manual.pdf>

If you do not wish to file a petition seeking a protective order to prevent the release of the requested information, please sign below and return this memo via email to: open.records@its.ms.gov

Your signing and returning this memo gives ITS permission to release your information prior to the above deadline.

Printed Name

Signature

Date

PLEASE NOTE:

- (1) Mississippi Accountability and Transparency Act of 2008 (MATA) and Confidential Information:** The following language is included in each ITS contract, within the contract articles titled "Transparency" and "Confidential Information" and generally provides:

TRANSPARENCY – "In accordance with the Mississippi Accountability and Transparency Act of 2008, § 27-104-151, et seq., of the Mississippi Code of 1972, as Amended, the American Accountability and Transparency Act of 2009 (P.L. 111-5), where applicable, and § 31-7-13 of the Mississippi Code of 1972, as amended, where applicable, a fully executed copy of this Agreement and any subsequent amendments and change orders shall be posted to the State of Mississippi's accountability website at: <https://www.transparency.mississippi.gov/>. Prior to ITS posting the Agreement and any subsequent amendments and change orders to the website, any attached exhibits which contain trade secrets or other proprietary information and are labeled as "confidential" will be redacted by ITS. Notwithstanding the preceding, however, it is understood and agreed that pursuant to § 25-61-9(7) of the Mississippi Code of 1972, as amended, the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of this Agreement shall not be deemed a trade secret or confidential commercial or financial information and shall thus not be redacted."

CONFIDENTIAL INFORMATION – "With the exception of any attached

exhibits which are labeled as "confidential", the parties understand and agree that this Agreement, including any amendments and/or change orders thereto, does not constitute confidential information, and may be reproduced and distributed by the State without notification to vendor. ITS will provide third party notice to vendor of any requests received by ITS for any such confidential exhibits so as to allow vendor the opportunity to protect the information by court order as outlined in ITS Public Records Procedures.

The parties understand and agree that pursuant to § 25-61-9(7) of the Mississippi Code of 1972, as amended, the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of this Agreement shall not be deemed confidential information."

As stated above, with the exception of any contract exhibits labeled as "confidential" at the time of contract execution, contracts executed between the state of Mississippi and a Contractor and any subsequent amendments and change orders shall be posted to the Internet in compliance with MATA and may be reproduced and distributed by the state without notification to vendor, and the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of the contract shall not be deemed a trade secret or confidential commercial or financial information and shall be available for examination, copying or reproduction. ITS will, as stated in the contract provisions set forth above, provide third party notice to vendor of requests received by ITS for any contract exhibits properly labeled as "confidential", so as to allow vendor the opportunity to protect the information by court order as outlined in the ITS Public Records Policy. Contractors are directed to review the above applicable provisions within the ITS contract.

- (2) It is the responsibility of **Cognosante, LLC** to notify any sub-contractors, that may have jointly participated in submitting a response to ITS, that confidential information has been requested.

Any questions related to this notice should be directed to Kim White at 601-432-8211 or via e-mail at open.records@its.ms.gov.

Enclosure

From: [FOIA.Requests](#)
To: [Kim White](#)
Subject: RE: New Public Record Request Notification - Conduent
Date: Wednesday, February 21, 2024 8:56:55 AM
Attachments: [image001.png](#)

Thank you Kim,

RFP# 4243 Interoperability, Data Lake, and APIs (IDA) Solution, RFP release date 10/11/2022, award date 2/12/2024

Please provide:

Current contract and amendments

Bidders' technical proposal

Evaluation forms for technical proposals

Award letter

Bidders' cost proposal (incl. BAFO)

Evaluation forms for cost proposals

Awardee contract and amendments

If there are any associated fees we'd appreciate it if you can let us know in advance. Our preferred method of delivery is electronic.

Ana Beatriz Quezada J.

Business Analyst | Sales Operations & Analytics

Sales Enablement

As one of the largest business process companies in the world, Conduent delivers mission-critical services and solutions on behalf of businesses and governments – creating exceptional outcomes for our clients and the millions of people who count on them. Learn more at: www.conduent.com

From: Kim White <Kim.White@its.ms.gov>
Sent: Wednesday, February 21, 2024 8:02 AM
To: FOIA.Requests <FOIA.Requests@conduent.com>
Subject: [External] - RE: New Public Record Request Notification - Conduent

This email is from an external source. Use caution responding to it, opening attachments or clicking links.

Rather than submitting a new request, just respond to this email and clarify for which RFP you would like to request information. Also, give the details of the information you are requesting.

Thank you,

From: FOIA.Requests <FOIA.Requests@conduent.com>
Sent: Wednesday, February 21, 2024 7:24 AM
To: Kim White <Kim.White@its.ms.gov>
Cc: FOIA.Requests <FOIA.Requests@conduent.com>

Subject: RE: New Public Record Request Notification

Morning Kim,

Yes please cancel the request and refund the money, I would greatly appreciate it.

I am submitting a new request today, would it be easier to transfer payment to that request?

Thanks,

Ana

Ana Beatriz Quezada J.

Business Analyst | Sales Operations & Analytics

Sales Enablement

As one of the largest business process companies in the world, Conduent delivers mission-critical services and solutions on behalf of businesses and governments – creating exceptional outcomes for our clients and the millions of people who count on them. Learn more at: www.conduent.com

From: Kim White <Kim.White@its.ms.gov>

Sent: Tuesday, February 20, 2024 1:09 PM

To: FOIA.Requests <FOIA.Requests@conduent.com>

Subject: [External] - RE: New Public Record Request Notification

This email is from an external source. Use caution responding to it, opening attachments or clicking links.

ITS has received your request for information related to Sole Source 4543. Please see the attached notice of cancellation for Sole Source Certification 4543. Since there is no information to provide for this Sole Source, would you like to cancel your request? If so, I will refund your money to you.

Kim White

Technology Consultant

MS Department of Information Technology Services

601-432-8211 | www.its.ms.gov



Mississippi Department of
Information Technology Services

3771 Eastwood Drive | Jackson, Mississippi 39211-6381

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: noreply@msegov.com <noreply@msegov.com>

Sent: Tuesday, February 20, 2024 12:45 PM

To: Open Records <open.records@its.ms.gov>

Subject: New Public Record Request Notification

This email has been sent to notify you that a new Public Record Request has been made. Please login to the Public Record Request online application [here](#) to view more details.
If you have questions regarding this notification or have received this email in error, please contact Mississippi Interactive via the [Ms.Gov Help Portal](#)

Transaction Information Below

Order #: 46698975

Order Date: 2/20/2024

Order Total: \$73.84

Payment Method: Credit Card (*5412)

Authorization Code: 076593

Billed To

Cathy Pham
3905 TRICKLING BROOK DRIVE,
HENRICO, VA 23228

Item(s)

Invoice #	Description	Amount Paid
4543	Custom Open Records Request - \$70	70.00
Subtotal:		\$70.00
Total payment through ms.gov:		\$73.84